

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In re:

FREE SPEECH SYSTEMS, LLC,

DEBTOR.

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§

Case No. 22-60043

Chapter 11 (Subchapter V)

**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s):

W. Marc Schwartz and Schwartz Associates, LLC

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff

☐ Defendant

☐ Other (describe) Counter-Claimant

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor

☐ Creditor

☐ Trustee

☒ Other (describe) Applicant Professional on Motion to Employ

**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: *Order (A) Denying Employment of W. Marc Schwartz as Chief Restructuring Officer, (B) Denying Employment of Staff of Schwartz Associates, LLC in Discharge of Duties as Chief Restructuring Officer, and (C) Granting Related Relief* [Docket No. 181] attached hereto as **Exhibit A**.

2. State the date on which the judgment, order, or decree was entered: September 20, 2022.<sup>1</sup>

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

<sup>1</sup> A Motion for Rehearing was filed October 4, 2022 [Docket No. 207] and the Motion for Rehearing was denied January 20, 2023 [Docket No. 402].

<p><b><u>Appellant</u></b></p> <p>W. March Schwartz and Schwartz Associates, LLC</p>	<p><b><u>Counsel</u></b></p> <p>Michael P. Ridulfo  Texas Bar No. 16902020  Federal Bar No. 27086  KANE RUSSELL COLEMAN LOGAN PC  5151 San Felipe, Suite 800  Houston, Texas 77056  Telephone: 713-425-7400  Fax: 713.425.7700  Email: mridulfo@krcl.com</p>
<p><b><u>Appellee 1</u></b></p> <p>Kevin Epstein, U.S. Trustee for Region 7</p>	<p><b><u>Counsel</u></b></p> <p>Ha Nguyen  Office of the United States Trustee  515 Rusk Street, Suite 3516  Houston, TX 77002  Email: Ha.Nguyen@usdoj.gov</p>
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<p><b><u>Other Interested Party</u></b></p> <p>Free Speech Systems, LLC</p>	<p><b><u>Counsel</u></b></p> <p>Raymond W. Battaglia Law Office of Raymond W. Battaglia 66 Granburg Circle San Antonio, Texas 78218 Tel: 210-601-9405 Email: rbattagliaw@outlook.com</p>

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

**KANE RUSSELL COLEMAN LOGAN PC**

Date: February 3, 2022

By: /s/ Michael P. Ridulfo  
Michael P. Ridulfo  
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**COUNSEL TO W. MARC SCHWARTZ AND SCHWARTZ ASSOCIATES, LLC**

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.



**CERTIFICATE OF SERVICE**

This is to certify that on the 3<sup>rd</sup> day of February, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF notification system, which will send notice of electronic filing to all counsel of record.

/s/ Michael P. Ridulfo

Michael P. Ridulfo